

SENATE BILL NO. 3

BY SENATOR JOHNS

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AN ACT

To amend and reenact the introductory paragraph of R.S. 51:1787(A)(1)(a)(iv), R.S. 51:1787(A)(1)(a)(iv)(bb) and (cc), 2455(D)(3) and 2457(B)(3)(b) and (c), relative to the administration of incentive rebates; to change the application period for certain incentive rebates; to provide for issuance of rebate payments for certain tax incentive programs; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 51:1787(A)(1)(a)(iv), R.S. 51:1787(A)(1)(a)(iv)(bb) and (cc), 2455(D)(3) and 2457(B)(3)(b) and (c) are hereby amended and reenacted to read as follows:

§1787. ~~Incentives~~ **Enterprise zone incentives**

A. The board, after consultation with the secretaries of the Department of Economic Development and Department of Revenue, and with the approval of the governor, may enter into contracts not to exceed five years to provide:

(1) For either:

(a) \* \* \*

(iv) Requests for rebates of state sales and use tax pursuant to this Section ~~and R.S. 51:2456(B)~~ shall be processed by the Department of Revenue as follows:

\* \* \*

(bb) Within ~~ten business~~ **sixty** days of the receipt of a properly completed rebate request, the Department of Revenue shall rebate eighty percent of the ~~total~~ amount claimed ~~for rebate in the rebate request~~ **that is eligible for rebate at the time of the rebate request after taking into account the limitation provided for in Subparagraph (c) of this Paragraph.** Within ~~three~~ **six** months of the date of filing the rebate request, the Department of Revenue shall audit the rebate request.

1 During ~~such three~~ the six-month period, the Department of Revenue shall disallow  
 2 items determined to be ineligible for rebate. Within ten business days following the  
 3 expiration of ~~such three~~ the six-month period, the Department of Revenue shall  
 4 rebate the remaining twenty percent of the amount claimed ~~on the rebate request that~~  
 5 is eligible for rebate at the time of the rebate request after taking into account  
 6 the limitation provided for in Subparagraph (c) of this Paragraph, less any  
 7 amounts properly disallowed during the ~~three~~ six-month audit period. The  
 8 Department of Revenue shall make additional rebates of sales and use taxes  
 9 from a rebate request after certification by the Department of Economic  
 10 Development that additional net new jobs have been created. The Department of  
 11 Revenue shall make such rebates from the current collections of the taxes collected  
 12 pursuant to Chapter 2, Chapter 2-A, or Chapter 2-B of Subtitle II of Title 47 of the  
 13 Louisiana Revised Statutes of 1950, as amended. Any sales and use tax rebate issued  
 14 pursuant to this Section shall be subject to subsequent audit by the Department of  
 15 Revenue, and any rebate amount determined to be in excess of that which should  
 16 have been allowed shall be subject to collection by the Department of Revenue.

17 (cc) Failure of the Department of Revenue to timely pay rebates as provided  
 18 herein in this Item shall entitle the taxpayer to interest, which shall begin to accrue  
 19 ~~three~~ six months after the completed rebate request is received at the rate established  
 20 pursuant to the provisions of R.S. 13:4202. Payments of interest authorized  
 21 according to the provisions of this Section shall be made from the current collections  
 22 of taxes collected pursuant to Chapter 2, Chapter 2-A, or Chapter 2-B of Subtitle II  
 23 of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

24 \* \* \*

25 §2455. ~~Incentive~~ Quality jobs incentive rebates

26 \* \* \*

27 D.(1) \* \* \*

28 (3) Applications shall be filed no later than twenty-four months after the  
 29 filing of the advance notification, except for ~~advances~~ as follows:

30 (a) For advance notifications filed on or after January 1, 2014, and before

1 January 31, 2014, applications may be filed at any time prior to January 31, 2016.

2 **(b) For advance notifications filed on or after June 1, 2015, and before**  
3 **July 1, 2015, applications may be filed at any time before January 1, 2018.**

4 \* \* \*

5 §2457. Filing claim to receive **Quality jobs** rebate; determination; repayment

6 \* \* \*

7 B. Issuance of state sales and use tax rebate.

8 \* \* \*

9 (3) Requests for rebates of state sales and use taxes pursuant to this Section  
10 shall be processed by the Department of Revenue as follows:

11 \* \* \*

12 (b) Within ~~ten business~~ **sixty** days of receipt of a properly completed rebate  
13 request, the Department of Revenue shall rebate eighty percent of the total amount  
14 claimed for rebate in the rebate request. Within ~~three~~ **six** months of the date of filing  
15 the rebate request, the Department of Revenue shall audit the rebate request. During  
16 the ~~three~~ **six**-month period, the Department of Revenue shall disallow items  
17 determined to be ineligible for rebate. Within ten business days following the  
18 expiration of the ~~three~~ **six**-month period, the Department of Revenue shall rebate the  
19 remaining twenty percent of the amount claimed on the rebate request less any  
20 amounts properly disallowed during the ~~three~~ **six**-month audit period. The  
21 Department of Revenue shall make the rebates from the current collections of the  
22 taxes collected pursuant to Chapter 2, Chapter 2-A, or Chapter 2-B of Subtitle II of  
23 Title 47 of the Louisiana Revised Statutes of 1950, as amended. Any sales and use  
24 tax rebate issued **pursuant to this Section** shall be subject to subsequent audit by the  
25 Department of Revenue, and any rebate amount determined to be in excess of the  
26 amount that should have been allowed shall be subject to collection by the  
27 Department of Revenue.

28 (c) Failure of the Department of Revenue to timely pay rebates as provided  
29 **herein in this Paragraph** shall entitle the taxpayer to interest, which shall begin to  
30 accrue ~~three~~ **six** months after the completed rebate request is received at the rate

1 established pursuant to the provisions of R.S. 13:4202. Payments of interest  
 2 authorized according to the provisions of this Section shall be made from the current  
 3 collections of taxes collected pursuant to Chapter 2, Chapter 2-A, or Chapter 2-B of  
 4 Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, as amended.

\* \* \*

6 Section 2. All Quality Jobs rebate payments shall be delayed for a period of  
 7 twenty-four months for any applicant to which the provisions of R.S. 51:2455(D)(3)(b) apply  
 8 that filed their application between October 1, 2017, and December 31, 2017.

9 Section 3. This Act shall become effective upon signature by the governor or, if not  
 10 signed by the governor, upon expiration of the time for bills to become law without signature  
 11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 12 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 13 effective on the day following such approval.

14 Section 4. In the event of a conflict between this Act and the provisions of Section  
 15 3 of Act No. 126 of the 2015 Regular Session of the Legislature, the provisions of this Act  
 16 shall supercede and control.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_